IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 22134 of 2001

Between:

Kammari Ramaiah, S/o.Balaiah,
R/o.Bestavaripeta Mandal, Prakasam District.

..... PETITIONER

AND

1. The District Collector,
   Prakasam District, Ongole.
2. The Revenue Divisional Officer,
   Markapur, Prakasam District.
3. The Mandal Revenue Officer,
   Bestavaripeta Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, more in the nature of mandamus declaring the proceedings No.D.Dis.(C)/1100/2001, dated 20.8.2001 of the Revenue Divisional Officer, Markapur, Prakasam District, as being arbitrary, illegal and unconstitutional and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.A.GIRIDHAR RAO
Counsel for the Respondent No.1 to 3: GP FOR REVENUE

The Court made the following :

ORDER:

The case of the petitioner is that his father – Kammari Balaiah and a landless poor, made an application to the Revenue Authorities, who conducted enquiries and assigned an extent of Ac.3.04 guntas in Sy. No. 1145/2 in J.C. Agraharam village forty years back and about 16 years back his father died and the petitioner inherited the land and cultivating the same. It is further averred that he made several representations to the Revenue Authorities and in the year 1996, an enquiry was held and pattedar passbook and title deed were issued in the name of the petitioner. While so, the petitioner came to know that the Revenue Authorities are granting patta to others canceling the patta standing in his name and when he approached the third respondent, he served ROC No. 431/2001 dated 15.10.2001 on the ground that his father died about 20 years back and there was violation of the conditions of assignment. It is contended by the petitioner that the report dated 10.5.2001 submitted by the Mandal Revenue Officer and the report of the VAO are all behind his back and, therefore, the consequential orders of the Revenue Divisional Officer dated 20.8.2001 are contrary to the principles of natural justice. It is asserted by the petitioner that after the demise of his father, since the lands are inheritable, he is cultivating the lands for the last 16 years peacefully. Challenging the same, present writ petition is filed.

In response to the Rule Nisi, the 3rd respondent, filed counter affidavit stating that consequent to the 2nd respondent cancelling the patta granted in favour of the father of the petitioner, the 3rd respondent has resumed the land. It is further submitted that the petitioner without

availing effective and efficacious alternative remedy provided under Sec. 4-B of the Act, has straightaway approached this Court invoking extraordinary jurisdiction under Article 226 of the Constitution.

Having regard to these facts and circumstances, without going into merits or otherwise of the matter, while extending the interim order dated 19.10.2001 passed in WP MP No. 27858 of 2001 for a period of eight weeks from today, I deem it appropriate to direct the petitioner to approach the Appellate Authority by way of appeal, if so advised.

With this direction, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 7, 2005

MAS

To

1. The District Collector,
   Prakasam District, Ongole.
2. The Revenue Divisional Officer,
   Markapur, Prakasam District.
3. The Mandal Revenue Officer,
   Bestavaripeta Mandal, Prakasam District.

4. Two CCs to the Govt. Pleader for Revenue, A.P. High Court

Building, Hyderabad.

5. 2 CD copies